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GLAXO WELLCOME INC.
CORPORATE INTELLECTUAL PROPERTY
FIVE MOORE DRIVE
P.O. BOX 13398
REASEARCH TRIANGLE PARK NC 27709

In re Application of:
Lenhard et al.
Serial No.: 09/700,409
Filed: December 11, 2000
Attorney Docket No.: 1430-257

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on March 18, 2004, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed July 30, 2002. The delay in acting on this petition is regretted but it was only recently brought to the attention of the deciding official.

A review of the file history shows that the examiner mailed an Office action to applicant on July 30, 2002, setting a three-month statutory time period for reply. On March 3, 2004, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a timely response to the Office action was filed on January 16, 2003, as evidenced by the Certificate of Mailing date of January 16, 2003; and received by the USPTO on January 16, 2003, as evidenced by the return receipt stamped postcard identifying the papers filed. Applicants' also requested and paid for a three-month extension of time.

In view of this evidence, applicant is considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. This application will be forwarded to the examiner for consideration of the Response of January 16, 2003.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or facsimile at 703-872-9306.

Jasemine Chambers
Director, Technology Center 1600